

Whitehurst,David

From: Cindy_Kane@fws.gov
Sent: Thursday, November 09, 2006 2:46 PM
To: Daub,Elleanore
Subject: Straight Creek UAA

Elleanore,

The US Fish and Wildlife Service has reviewed the documentation pertaining to the attainment of aquatic life use for Straight Creek in Lee County, Virginia. The Virginia Coalfields Total Maximum Daily Load Group has proposed that the existing aquatic life use for Straight Creek may not be attainable and further suggested that a Use Attainability Analysis be considered.

The Service recommends that the aquatic life use be retained for Straight Creek as it is an existing use as defined in the federal regulation at 40 CFR SS 131.3(e) and has been recognized as such by the Commonwealth. Designated uses which are existing uses can not be removed from a waterbody (see 40 CFR SS 131.10(h)(1) and (2)).

We recommend further consideration of the alternatives to evaluate attainment of aquatic life uses in Straight Creek. Thank you for your consideration. We would be pleased to contribute to the work group effort.

Cindy

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